

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:   
UNITED STATES OF AMERICA :  
:   
-v- : 19-CR-445-1 (JMF)  
:   
BENJAMIN FIGUEROA, :  
:   
Defendant. :  
:   
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JESSE M. FURMAN, United States District Judge:

The Court has received a letter from Defendant, dated **October 6, 2022**, requesting new counsel to aid with his “motion.” *See* ECF No. 82. Defendant states that he previously “sent in a memorandum in regards to [his] motion” and “a letter in June of this year,” but the Court has received neither — indeed, it had received nothing from Defendant until this letter.

Under the Criminal Justice Act (“CJA”), the Court has authority to appoint counsel for “any financially eligible person who . . . is seeking relief” under 28 U.S.C. § 2255 if the Court “determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). Defendant, however, has not actually filed with the Court a motion under Section 2255 and, thus, is not yet “seeking relief” under that provision. Accordingly, Defendant’s request for counsel is DENIED, without prejudice to a re-application if or when he actually files a motion under Section 2255.

The Clerk of Court is directed to mail this Order to:

Benjamin Figueroa  
Register No. 73822-053  
FCI Gilmer  
Federal Correctional Institution  
P.O. BOX 6000  
Glenville, WV 26351

SO ORDERED.

Dated: October 13, 2022  
New York, New York



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JESSE M. FURMAN  
United States District Judge